

REMARKS

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

Rejections Under 35 U.S.C. §102

Claims 1-7 and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,248,946 to Dwek. ("Dwek"). Applicant traverses these rejections.

Dwek cannot anticipate (or render obvious) independent claim 1 because Dwek neither discloses (nor even suggests) limitations recited in independent claim 1. Claim 1 recites in part:

a network access interface which provides access to a data network;

a processing module in a central site to collect information including an identifier of a first multimedia file, a first location of said first multimedia file and a first datum relating to a first schedule of the availability of said first multimedia file, wherein said processing module creates first categorization information relating to said first multimedia file;

wherein said processing module collects information including a second identifier of a second multimedia file, a second location of said second multimedia file and a second datum relating to a second schedule of the availability of said second multimedia file, wherein said processing module creates second categorization information relating to said second multimedia file;

wherein said processing module, said first location, and said second location are situated within distinct domains within the data network;

a selection interface in communication with said processing module which provides for presentation of the returned information, and receives and processes a selection from a client computer for accessing a selected multimedia file from the data network and compiles a download schedule; and

a file download device in communication with the selection interface which, based on the download schedule, automatically accesses said first multimedia file at said location through said network access interface and downloads the selected multimedia file.

The Action asserts that Dwek discloses "a processing module in a central site to collect information including an identifier of a first multimedia file, a first location of said first multimedia file and a first datum relating to a first schedule of the availability of said first multimedia file, wherein said processing module creates first categorization information relating to said first multimedia file" as recited in claim 1, and cites column 6, lines 15-52 to support the rejection. Applicants disagree. The cited text reads as follows:

The search pane 320a provides an interface with the client interface server 112 for allowing the user to browse or search the online music database 114 to locate a particular music selection which may be referenced by song title, artist, album or CD title, musical genre, etc. When the user wants to locate one or more music selections in the online music database 114, he or she enters the search criteria into the search terms entry box 341 and selects a search category through the search parameter selection box 342. Search criteria generally consist of keywords in a song's title, an artist's name, etc. Search parameters may include, for example, the song title, CD title, recording artist, or all of these parameters. The user activates the search by pressing, selecting or "clicking" on the search button 343, through depressing a mouse button, for example.

When the search button 343 is selected, the music player 120 communicates a search request across the Internet connection 140 to the online music library 110. The online music library 110 performs a search of the online music database 114 and returns search results across the Internet connection 140 to the music player 120. All music selections which satisfy the search criteria are displayed in the search results display subpane 344.

In a preferred embodiment, the search parameter selection box 342 includes an Internet search category for searching the Internet for song files. When the user selects the Internet search category and activates the search button 343, the music player 120 communicates a search request across the Internet connection 140 to the online music library 110. In that case, the online music library 110 includes or is linked to an Internet search engine which performs a search of the Internet for song files matching the search criteria. The online music library 110 returns the search results across the Internet connection 140 to the music player 120. All song files which are

found by the search engine which the satisfy the search criteria are displayed in the search results display subpane 344.

Contrary to the assertion in the Action, nothing in this text discloses (nor even suggests) a processing module in a central site to collect information including an identifier of a first multimedia file, a first location of said first multimedia file and a first datum relating to a first schedule of the availability of said first multimedia file, wherein said processing module creates first categorization information relating to said first multimedia file. To the contrary, Dwek describes an arrangement in which all multimedia files are in the same network domain, and therefore under the control of the music library 110. Accordingly, Dwek cannot anticipate (or render obvious) claim 1. Claims 2-7 and 9 depend from claim 1 and are allowable at least by virtue of this dependency.

Rejections Under 35 U.S.C. §103

Claim 10 was rejected under 35 U.S.C. §103 on the same basis as claim 1. Applicant traverses the rejection of claim 10 based on the same argument applied to claim 1. Claims 11-14 and 16-19 depend ultimately from claim 10 and are allowable at least by virtue of this dependency.

Claim 20 was rejected 35 U.S.C. §103 on the same basis as claim 1. Applicant traverses the rejection of claim 20 based on the same argument applied to claim 1.

The Office Action includes a "Second Office Action" which in some ways appears to be redundant in rejecting the claims over Dwek, but the cites to a Liu reference. The Office Action does not provide a patent number

for the Liu reference. Accordingly, applicants request clarification of this rejection if it is maintained.

CONCLUSION

Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

Respectfully Submitted,
Jed W. Caven
Caven & Aghevli LLC
9249 S. Broadway Blvd. #200-201
Highlands Ranch, CO 80129

Dated: July 23, 2009

/Jed W. Caven, Reg. No. 40,551/

Jed W. Caven
Caven & Aghevli LLC
Reg. No. 40,551
(720) 841-9544